

# Senate Amendment 3085

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1 1 Amend Senate File 128 as follows:  
1 2 #1. Page 1, by inserting before line 1, the  
1 3 following:  
1 4 <DIVISION I  
1 5 CIGARETTE AND TOBACCO PRODUCTS  
1 6 TAX PROVISIONS>  
1 7 #2. Page 4, line 10, by inserting after the word  
1 8 <This> the following: <division of this>.  
1 9 #3. Page 4, by inserting after line 11 the  
1 10 following:  
1 11 <DIVISION II  
1 12 CIGARETTE AND TOBACCO PRODUCTS  
1 13 REGULATORY PROVISIONS  
1 14 Sec. \_\_\_\_\_. Section 453A.2, subsections 1, 2, and 3,  
1 15 Code 2007, are amended to read as follows:  
1 16 1. A person shall not sell, give, or otherwise  
1 17 supply any tobacco, tobacco products, or cigarettes to  
1 18 any person under ~~eighteen~~ twenty-one years of age.  
1 19 2. A person under ~~eighteen~~ twenty-one years of age  
1 20 shall not smoke, use, possess, purchase, or attempt to  
1 21 purchase any tobacco, tobacco products, or cigarettes.  
1 22 3. Possession of cigarettes or tobacco products by  
1 23 an individual under ~~eighteen~~ twenty-one years of age  
1 24 does not constitute a violation under this section if  
1 25 the individual under ~~eighteen~~ twenty-one years of age  
1 26 possesses the cigarettes or tobacco products as part  
1 27 of the individual's employment and the individual is  
1 28 employed by a person who holds a valid permit under  
1 29 this chapter or who lawfully offers for sale or sells  
1 30 cigarettes or tobacco products.  
1 31 Sec. \_\_\_\_\_. Section 453A.2, subsection 8, paragraph  
1 32 b, Code 2007, is amended to read as follows:  
1 33 b. The compliance effort is conducted with the  
1 34 advance knowledge of law enforcement officers and  
1 35 reasonable measures are adopted by those conducting  
1 36 the effort to ensure that use of cigarettes or tobacco  
1 37 products by individuals under ~~eighteen~~ twenty-one  
1 38 years of age does not result from participation by any  
1 39 individual under ~~eighteen~~ twenty-one years of age in  
1 40 the compliance effort.  
1 41 Sec. \_\_\_\_\_. Section 453A.5, subsection 1, Code 2007,  
1 42 is amended to read as follows:  
1 43 1. The alcoholic beverages division of the  
1 44 department of commerce shall develop a tobacco  
1 45 compliance employee training program not to exceed two  
1 46 hours in length for employees and prospective  
1 47 employees of retailers, as defined in sections 453A.1  
1 48 and 453A.42, to inform the employees about state and  
1 49 federal laws and regulations regarding the sale of  
1 50 cigarettes and tobacco products to persons under  
2 1 ~~eighteen~~ twenty-one years of age and compliance with  
2 2 and the importance of laws regarding the sale of  
2 3 cigarettes and tobacco products to persons under  
2 4 ~~eighteen~~ twenty-one years of age.  
2 5 Sec. \_\_\_\_\_. Section 453A.36, subsection 6, Code  
2 6 2007, is amended to read as follows:  
2 7 6. Any sales of cigarettes or tobacco products  
2 8 made through a cigarette vending machine are subject  
2 9 to rules and penalties relative to retail sales of  
2 10 cigarettes and tobacco products provided for in this  
2 11 chapter. No cigarettes shall be sold through any  
2 12 cigarette vending machine unless the cigarettes have  
2 13 been properly stamped or metered as provided by this  
2 14 division, and in case of violation of this provision,  
2 15 the permit of the dealer authorizing retail sales of  
2 16 cigarettes shall be canceled. Payment of the license  
2 17 fee as provided in section 453A.13 authorizes a  
2 18 cigarette vendor to sell cigarettes or tobacco  
2 19 products through vending machines. However,  
2 20 cigarettes or tobacco products shall not be sold  
2 21 through a vending machine unless the vending machine  
2 22 is located in a place where the retailer ensures that  
2 23 no person younger than ~~eighteen~~ twenty-one years of  
2 24 age is present or permitted to enter at any time.

2 25 This section does not require a retail licensee to buy  
2 26 a cigarette vendor's permit if the retail licensee is  
2 27 in fact the owner of the cigarette vending machines  
2 28 and the machines are operated in the location  
2 29 described in the retail permit.  
2 30 Sec. \_\_\_\_\_. Section 453A.39, subsection 2,  
2 31 paragraphs b and c, Code 2007, are amended to read as  
2 32 follows:  
2 33 b. A manufacturer, distributor, wholesaler,  
2 34 retailer, or distributing agent or agent thereof shall  
2 35 not give away any cigarettes or tobacco products to  
2 36 any person under ~~eighteen~~ twenty-one years of age, or  
2 37 within five hundred feet of any playground, school,  
2 38 high school, or other facility when such facility is  
2 39 being used primarily by persons under age ~~eighteen~~  
2 40 twenty-one for recreational, educational, or other  
2 41 purposes.  
2 42 c. Proof of age shall be required if a reasonable  
2 43 person could conclude on the basis of outward  
2 44 appearance that a prospective recipient of a sample  
2 45 may be under ~~eighteen~~ twenty-one years of age.>  
2 46 #4. Title page, line 1, by inserting after the  
2 47 word <to> the following: <cigarettes and tobacco  
2 48 products including regulatory provisions,>.  
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2 50  
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